

FILED
JUN 18 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS ALBERTO AISPURO

Defendant.

No. CR 4-10-70499-MAG

DETENTION ORDER

I. DETENTION ORDER

Defendant Carlos Alberto Aispuro is charged in a criminal complaint as an alien in possession of a firearm and ammunition, (18 U.S.C. § 922(g)(5)), and possession of a controlled substance with intent to distribute (21 U.S.C. § 841(a)(1)). On June 15, 2010, the United States moved for Mr. Aispuro's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Mr. Aispuro did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the June 18, 2010, hearing before this Court, Mr. Aispuro waived his right for now to proffer information at a detention hearing, *see* 18 U.S.C. §

1 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to
2 testify, to present witnesses, to cross-examine adverse witnesses, and to present information by
3 proffer or otherwise), but he retained his right to raise any additional relevant information at a
4 later hearing. The Court also notes that Mr. Aispuro is subject to an immigration detainer issued
5 by Immigration and Customs Enforcement ("ICE").

6 After considering the limited information available to the Court, and the factors set forth
7 in 18 U.S.C. § 3142(g), the Court detains Mr. Aispuro as a serious risk of flight and finds that no
8 condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
9 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
10 1403, 1406 (9th Cir. 1985).

11 II. CONCLUSION

12 The Court detains Mr. Aispuro as a serious flight risk. Because Mr. Aispuro waived his
13 right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant
14 information at a later hearing, the Court orders that the hearing may be reopened at Mr. Aispuro's
15 request at any future time.

16 Mr. Aispuro shall remain committed to the custody of the Attorney General.

17 IT IS SO ORDERED.

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20 DATED: June 18, 2010



DONNA M. RYU
United States Magistrate Judge